

**B. REGULATORY BASIS FOR FEMA'S
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Public Law (P.L.) 96-295 establishes adequate offsite radiological emergency planning and preparedness as a condition for licensing commercial nuclear power plants by the Nuclear Regulatory Commission (NRC). It also established part of the statutory basis for key elements of the REP Program. FEMA and the NRC are tasked under this law with the following responsibilities: (1) to develop and issue national standards for the evaluation of State and local government radiological emergency planning and preparedness; (2) to evaluate the adequacy of State and local government radiological emergency planning and preparedness; and (3) for FEMA to provide findings to the NRC for its use in making licensing decisions.

FEMA activities are conducted pursuant to regulations in 44 Code of Federal Regulations (CFR) Parts 350, 351, and 352. Under these regulations, FEMA carries out its responsibilities as the lead Federal agency for offsite radiological emergency preparedness as assigned by the President on December 7, 1979. These regulations are a key element in the REP Program that was established following the Three Mile Island (TMI) Nuclear Station accident in March 1979. The major elements of the REP Program addressed in these regulations are as follows:

- (1) procedures to be followed by participating State and local governments in submitting preparedness plans for review and approval by FEMA (44 CFR 350)
- (2) provisions for the conduct and evaluation of exercises (44 CFR 350)
- (3) criteria for evaluating emergency plans and their implementation exercises (44 CFR 350)
- (4) procedures for coordinating the provision of Federal assistance to State and local governments (44 CFR 351) and
- (5) FEMA actions on utility requests for Federal compensating assistance in situations where State and local governments decline or fail to participate adequately in radiological emergency planning and preparedness (44 CFR 352)

The FEMA rule, 44 CFR 350, establishes the policies and procedures for FEMA's initial and continued approval of State and local government REP planning and preparedness for commercial nuclear power plant accidents. This approval is contingent, in part, on State and local government participation in joint exercises with licensees. Under 44 CFR Part 350, FEMA reviews and evaluates emergency plans submitted by State and local governments participating in integrated emergency planning with NRC licensees. FEMA evaluates exercises and medical emergency drills to assess whether or not State and local governments can adequately implement these plans. FEMA also conducts evaluations of alert and notification system designs and operability, and other specific aspects of offsite emergency preparedness.

The evaluation of the offsite portion of exercises is performed by FEMA Regional Office personnel, with assistance from Regional Assistance Committee (RAC) members. The RAC consists of representatives from a number of Federal agencies that have agreed to assist FEMA in providing technical assistance to State and local governments and to evaluate radiological emergency plans and exercises on the basis of their special authorities, missions, and expertise. FEMA Regional Office exercise evaluations and recommended findings are forwarded to FEMA Headquarters (HQ) for final determination by the Associate Director of State and Local Programs and Support (SLPS). FEMA HQ provides exercise reports and findings to the NRC for its use in making licensing decisions.

In addition to the exercise-related policies and procedures inherent within FEMA's "350 process," FEMA's REP exercise program also supports the NRC regulatory process governing the issuance and maintenance of licensees to utilities to operate commercial nuclear power plants. Under a Memorandum of Understanding (MOU), dated April 18, 1985, [50 Federal Register (FR) 15484], FEMA supports the NRC in the administration of its licensing procedures. The regulations and other guidance material described below define REP exercise policies and procedures and the respective roles of FEMA and the NRC in the NRC's licensing process. Under this MOU, FEMA assesses the adequacy of offsite emergency planning and preparedness and provides findings to the NRC for its use in making licensing decisions. The NRC is responsible for assessing the adequacy of onsite emergency planning and preparedness, under its own regulations, and for making decisions on the overall adequacy of both onsite and offsite emergency preparedness.

Standards and Criteria For Radiological Emergency Preparedness

FEMA's exercise evaluations are made on the basis of the national standards referenced above. These standards, referred to as planning standards, are contained in NUREG-0654/FEMA-REP-1, Revision 1 and Supplement 1, and are supported by evaluation criteria. These documents are hereafter referred to in this document as "NUREG-0654." The planning standards are also incorporated into the FEMA regulation, 44 CFR Part 350, and the NRC regulation, 10 CFR Part 50, Appendix E. The evaluation criteria provide guidance for use by OROs for the development of emergency plans and preparedness in conformance with applicable planning standards. Both the planning standards and evaluation criteria are used by FEMA, the NRC, and other involved Federal agencies to evaluate ORO planning and preparedness in REP exercises. These standards and criteria support the basic criterion for assessing the adequacy of emergency preparedness, that is: emergency plans and preparedness are ". . . adequate to protect the health and safety of the public living in the vicinity of the nuclear power facility by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency. . ." [44 CFR 350.12(b) (1)].

The first guidance document, NUREG-0654, Revision 1, addresses planning and preparedness for situations where State and local governments participate in the planning and preparedness process. The second document, NUREG-0654, Supplement 1, sets forth evaluation criteria for licensee offsite planning and preparedness in situations where State or local governments decline to participate in the planning and preparedness process. Both documents set forth the 16 planning standards from the regulations and establish specific evaluation criteria under each standard.

Alternative Approaches and Methods

The planning standards of NUREG-0654, as incorporated in 10 CFR Part 50, are regulatory requirements for OROs participating in radiological emergency planning and preparedness for commercial nuclear power plant accidents. The evaluation criteria of NUREG-0654, as clarified and applied by NRC, FEMA, and other Federal agencies, constitute guidance for Federally-approved approaches for meeting the intent of NUREG-0654 planning standards. OROs may propose other approaches to this guidance by submitting such proposals in writing to the appropriate FEMA Regional Office for review and approval recommendation to FEMA Headquarters. FEMA will coordinate the review of proposals with RAC members and their respective Headquarter's staff when issues raised in such proposals impact their expertise and missions. FEMA will also coordinate the review of proposals that have impact on licensees and onsite planning and preparedness with the NRC, NRC RAC members and licensees.